



January 28, 2014

HOUSE BILL No. 1033

DIGEST OF HB 1033 (Updated January 28, 2014 2:30 pm - DI 75)

Citations Affected: IC 3-7; IC 5-1; IC 5-1.5; IC 5-3; IC 6-8.1; IC 8-15.7; IC 9-22; IC 14-25; IC 14-28; IC 16-18; IC 20-48; IC 23-14; IC 27-1; IC 36-7; IC 36-12; IC 14-28-1-28; IC 16-18-2-301; IC 20-48-4-2; IC 23-14; IC 27-1-29-17; IC 35-44.1-2-7; IC 36-7-23-52; IC 36-12-5.

Synopsis: Publication of notice. Allows publication of notice in a qualified publication as an alternative to publication of notice in a newspaper for purposes of notices that are required to be published under IC 5-3-1.

Effective: July 1, 2014.

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January 7, 2014, read first time and referred to Committee on Government and Regulatory Reform.
January 28, 2014, amended, reported — Do Pass.

HB 1033—LS 6386/DI 87



January 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1033

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-7-45-4, AS AMENDED BY P.L.219-2013,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (c), a
4 county voter registration office shall cancel the registration of a
5 deceased person after receiving a copy of the deceased person's death
6 certificate on an expedited basis, as required under 42 U.S.C. 15483.
7 The county voter registration office shall enter the date and other
8 information regarding the cancellation into the computerized list under
9 IC 3-7-26.3.
10 (b) Except as provided in subsection (c), a county voter registration
11 office shall cancel the registration of a deceased person after receiving
12 a copy of an obituary, notice of estate administration, or other notice of
13 death of that person published in a newspaper **or qualified publication**
14 in which a legal notice may be published under IC 5-3-1.
15 (c) A county voter registration office may require additional written
16 information before canceling the registration of a person under

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1 subsection (a) or (b) if the information contained in the death certificate
 2 or notice of death is insufficient to identify the person whose
 3 registration is to be canceled. If:

- 4 (1) additional written information is not given to the county voter
 5 registration office; or
 6 (2) the additional written information is insufficient to identify the
 7 person whose registration is to be canceled;

8 the county voter registration office is not required to cancel the person's
 9 registration.

10 SECTION 2. IC 5-1-11-2 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notice of sale of bonds
 12 required to be sold at public sale under section 1 of this chapter shall
 13 be published in accordance with the provisions of this chapter and
 14 either IC 5-3-1 or subsection (b).

15 (b) If a political subdivision or body referred to in section 1 of this
 16 chapter determines to sell bonds under this subsection, notice of intent
 17 to sell such bonds shall be published:

18 (1) once each week for two (2) weeks in accordance with
 19 IC 5-3-1-4; and

20 (2) in a newspaper **or qualified publication (as defined in**
 21 **IC 5-3-1-0.7)** of general circulation published in the state capital.

22 (c) The notice **of sale of bonds** must state that any person interested
 23 in submitting a bid for the bonds may furnish in writing to the official
 24 of the political subdivision or body responsible for their sale, at the
 25 address set forth in the notice, the person's name, address, and
 26 telephone number. The person may also furnish a telex number. The
 27 notice of intent to sell bonds must state:

28 (1) the amount of the bonds to be offered;

29 (2) the denominations;

30 (3) the dates of maturity;

31 (4) the maximum rate or rates of interest;

32 (5) the place of sale; and

33 (6) the time within which the name, address, and telephone
 34 number must be furnished, which must not be less than seven (7)
 35 days after the last publication of the notice of intent to sell.

36 The official of the political subdivision or body responsible for the
 37 bond sale shall notify each person so registered of the date and time
 38 bids will be received not less than twenty-four (24) hours before the
 39 date and time of sale. The notification shall be made by telephone at
 40 the number furnished by the person, and also by telex if the person
 41 furnishes a telex number. Bids may not be received more than ninety
 42 (90) days after the first publication of the notice of intent to sell.



1 (e) (d) This chapter does not prevent the sale of bonds under the
2 provisions of any statute inconsistent with this chapter so long as the
3 procedures required for the sale in that statute are complied with, but
4 if notice of that sale must be published, the notice shall be published in
5 accordance with IC 5-3-1.

6 SECTION 3. IC 5-1.5-4-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Bonds or notes of the
8 bank may be sold at public or private sale at the price the board
9 determines. If bonds or notes of the bank are to be sold at public sale,
10 the bank shall follow the provisions of IC 5-1-11 and shall publish
11 notice of the sale in accordance with IC 5-3-1-2 in two (2) newspapers
12 **or qualified publications** published and of general circulation in the
13 city of Indianapolis.

14 SECTION 4. IC 5-3-1-0.7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.7. (a) As used in this
16 chapter, "qualified publication" means a publication that:

- 17 (1) is published daily, weekly, semiweekly, or triweekly;
- 18 (2) is of general circulation to the public;
- 19 (3) has been published for at least three (3) consecutive years in
20 the same city or town;
- 21 (4) has continuity as to title and general nature of content from
22 issue to issue;
- 23 (5) contains news of general or community interest, community
24 notices, or editorial commentary;
- 25 (6) contains advertisements from unrelated advertisers in each
26 issue;
- 27 (7) has, in more than one-half (1/2) of its issues published during
28 the previous twelve (12) month period, not more than seventy-five
29 percent (75%) advertising content;
- 30 (8) has a known office location in the county in which it is
31 published; and
- 32 (9) has been entered, authorized, and accepted by the United
33 States Postal Service as mailable matter of standard mail (A) class
34 for the time published.

35 (b) A publication is not a qualified publication if any of the
36 following apply:

- 37 (1) The publication is owned by, or under the control of, the
38 owners or lessees of a shopping center or a merchant's
39 association.
- 40 (2) The publication is owned by, or under the control of, a
41 business that sells property or services (other than advertising)
42 and the predominant advertising in the publication is advertising



1 for the business's sales of property or services.

2 (3) The publication is a mail order catalog or other catalog,
3 advertising flier, travel brochure, house organ, theater program,
4 telephone directory, restaurant guide, shopping center advertising
5 sheet, or other similar publication.

6 (4) The publication is primarily devoted to matters of specialized
7 interest such as a labor, fraternal, society, political, religious,
8 sporting, or trade news publication or journal.

9 (5) The publication is a magazine, racing form, or tip sheet.

10 **(c) For purposes of determining whether a political subdivision**
11 **may publish notice in a qualified publication under this chapter,**
12 **the publication must be delivered by the United States Postal**
13 **Service to a majority of the households located in the political**
14 **subdivision.**

15 SECTION 5. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2014]: Sec. 1.5. (a) This section applies after June 30, 2009,
18 to a notice that must be published in accordance with this chapter.

19 (b) If a newspaper **or qualified publication** maintains an Internet
20 web site, a notice that is published in the newspaper **or qualified**
21 **publication** must also be posted on the newspaper's web site **of the**
22 **newspaper or qualified publication.** The notice must appear on the
23 web site on the same day the notice appears in the newspaper **or**
24 **qualified publication.**

25 (c) The state board of accounts shall develop a standard form for
26 notices posted on a newspaper's **or qualified publication's** Internet
27 web site.

28 (d) A newspaper **or qualified publication** may not charge a fee for
29 posting a notice on the newspaper's **or qualified publication's** Internet
30 web site under this section.

31 SECTION 6. IC 5-3-1-2, AS AMENDED BY P.L.141-2009,
32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2014]: Sec. 2. (a) This section applies only when notice of an
34 event is required to be given by publication in accordance with this
35 chapter.

36 (b) If the event is a public hearing or meeting concerning any matter
37 not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h)
38 notice shall be published one (1) time, at least ten (10) days before the
39 date of the hearing or meeting.

40 (c) If the event is an election, notice shall be published one (1) time,
41 at least ten (10) days before the date of the election.

42 (d) If the event is a sale of bonds, notes, or warrants, notice shall be



- 1 published two (2) times, at least one (1) week apart, with:
 2 (1) the first publication made at least fifteen (15) days before the
 3 date of the sale; and
 4 (2) the second publication made at least three (3) days before the
 5 date of the sale.
 6 (e) If the event is the receiving of bids, notice shall be published two
 7 (2) times, at least one (1) week apart, with the second publication made
 8 at least seven (7) days before the date the bids will be received.
 9 (f) If the event is the establishment of a cumulative or sinking fund,
 10 notice of the proposal and of the public hearing that is required to be
 11 held by the political subdivision shall be published two (2) times, at
 12 least one (1) week apart, with the second publication made at least
 13 three (3) days before the date of the hearing.
 14 (g) If the event is the submission of a proposal adopted by a political
 15 subdivision for a cumulative or sinking fund for the approval of the
 16 department of local government finance, the notice of the submission
 17 shall be published one (1) time. The political subdivision shall publish
 18 the notice when directed to do so by the department of local
 19 government finance.
 20 (h) If the event is the required publication of an ordinance, notice of
 21 the passage of the ordinance shall be published one (1) time within
 22 thirty (30) days after the passage of the ordinance.
 23 (i) If the event is one about which notice is required to be published
 24 after the event, notice shall be published one (1) time within thirty (30)
 25 days after the date of the event.
 26 (j) If the event is anything else, notice shall be published two (2)
 27 times, at least one (1) week apart, with the second publication made at
 28 least three (3) days before the event.
 29 (k) If any officer charged with the duty of publishing any notice
 30 required by law is unable to procure advertisement:
 31 (1) at the price fixed by law;
 32 (2) because the newspaper **or qualified publication** refuses to
 33 publish the advertisement; or
 34 (3) because the newspaper **or qualified publication** refuses to
 35 post the advertisement on the newspaper's **or qualified**
 36 **publication's** Internet web site (if required under section 1.5 of
 37 this chapter);
 38 it is sufficient for the officer to post printed notices in three (3)
 39 prominent places in the political subdivision, instead of publication of
 40 the notice in newspapers **or qualified publications** and on an Internet
 41 web site (if required under section 1.5 of this chapter).
 42 (l) If a notice of budget estimates for a political subdivision is



1 published as required in IC 6-1.1-17-3, and the published notice
 2 contains an error due to the fault of a newspaper **or qualified**
 3 **publication**, the notice as presented for publication is a valid notice
 4 under this chapter.

5 (m) Notwithstanding subsection (j), if a notice of budget estimates
 6 for a political subdivision is published as required in IC 6-1.1-17-3, and
 7 if the notice is not published at least ten (10) days before the date fixed
 8 for the public hearing on the budget estimate due to the fault of a
 9 newspaper **or qualified publication**, the notice is a valid notice under
 10 this chapter if it is published one (1) time at least three (3) days before
 11 the hearing.

12 SECTION 7. IC 5-3-1-4, AS AMENDED BY P.L.141-2009,
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 4. (a) Whenever officers of a political subdivision
 15 are required to publish a notice affecting the political subdivision, they
 16 shall publish the notice in:

17 (1) two (2) newspapers;

18 (2) **two (2) qualified publications; or**

19 (3) **one (1) newspaper and one (1) qualified publication;**

20 published in the political subdivision.

21 (b) This subsection applies to notices published by county officers.
 22 If there is only:

23 (1) one (1) newspaper **and no qualified publication; or**

24 (2) **one (1) qualified publication and no newspaper;**

25 published in the county, then publication in that newspaper **or**
 26 **qualified publication** alone is sufficient.

27 (c) This subsection applies to notices published by city, town, or
 28 school corporation officers. If there is only:

29 (1) one (1) newspaper **and no qualified publication; or**

30 (2) **one (1) qualified publication and no newspaper;**

31 published in the municipality or school corporation, then publication
 32 in that newspaper **or qualified publication** alone is sufficient. If no
 33 newspaper **and no qualified publication** is published in the
 34 municipality or school corporation, then publication shall be made in
 35 a newspaper **or qualified publication** published in the county in which
 36 the municipality or school corporation is located and that circulates
 37 within the municipality or school corporation.

38 (d) This subsection applies to notices published by officers of
 39 political subdivisions not covered by subsection (a) or (b). If there is
 40 only:

41 (1) one (1) newspaper **and no qualified publication; or**

42 (2) **one (1) qualified publication and no newspaper;**



1 published in the political subdivision, then the notice shall be published
 2 in that newspaper **or qualified publication**. If no newspaper **and no**
 3 **qualified publication** is published in the political subdivision, then
 4 publication shall be made in a newspaper **or qualified publication**
 5 published in the county and that circulates within the political
 6 subdivision.

7 (e) This subsection applies to a political subdivision, including a
 8 city, town, or school corporation. Notwithstanding any other law, if a
 9 political subdivision has territory in more than one (1) county, public
 10 notices that are required by law or ordered to be published must be
 11 given as follows:

12 (1) By publication in:

13 (A) two (2) newspapers;

14 (B) **two (2) qualified publications; or**

15 (C) **one (1) newspaper and one (1) qualified publication;**

16 published within the boundaries of the political subdivision.

17 (2) If only:

18 (A) one (1) newspaper **and no qualified publication; or**

19 (B) **one (1) qualified publication and no newspaper;**

20 is published within the boundaries of the political subdivision, by
 21 publication in that newspaper **or qualified publication** and in
 22 some other newspaper **or qualified publication** (~~A~~) published in
 23 any county in which the political subdivision extends and (~~B~~) that
 24 has a general circulation in the political subdivision.

25 (3) If no newspaper **and no qualified publication** is published
 26 within the boundaries of the political subdivision, by publication
 27 in:

28 (A) two (2) newspapers;

29 (B) **two (2) qualified publications; or**

30 (C) **one (1) newspaper and one (1) qualified publication;**

31 that (~~A~~) are published in any counties into which the political
 32 subdivision extends and (~~B~~) have a general circulation in the
 33 political subdivision.

34 (4) If only:

35 (A) one (1) newspaper **and no qualified publication; or**

36 (B) **one (1) qualified publication and no newspaper;**

37 is published in any of the counties into which the political
 38 subdivision extends, by publication in that newspaper **or**
 39 **qualified publication** if it circulates within the political
 40 subdivision.

41 (f) A political subdivision may, in its discretion, publish public
 42 notices in a qualified publication or additional newspapers to provide



1 supplementary notification to the public. The cost of publishing
 2 supplementary notification is a proper expenditure of the political
 3 subdivision.

4 SECTION 8. IC 5-3-1-6, AS AMENDED BY P.L.177-2005,
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 6. (a) In all cases where notices are required by
 7 law to be published in the public newspaper **or qualified publication**
 8 by or under the supervision of any state officer, board, commission, or
 9 institution of the state of Indiana, said notices are hereby required to be
 10 published in: ~~each of~~

11 (1) two (2) daily newspapers;

12 (2) **two (2) daily qualified publications; or**

13 (3) **one (1) daily newspaper and one (1) daily qualified**
 14 **publication;**

15 published in the city of Indianapolis and in ~~such~~ other cities as is
 16 required by law.

17 (b) ~~said~~ **The notices described in subsection (a) are** to be in all
 18 cases published in:

19 (1) two (2) newspapers;

20 (2) **two (2) qualified publications; or**

21 (3) **one (1) newspaper and one (1) daily qualified publication;**

22 in each city where ~~they~~ **the notices** are required to be published. In all
 23 cases where the officer, board, commission, or institution making ~~said~~
 24 **the publication of notice** is located outside of the city of Indianapolis,
 25 ~~said~~ **the notices** shall also be published in newspapers **or qualified**
 26 **publications** published within the county where ~~said~~ **the officer, board,**
 27 **commission, or institution** maintains its office. The rate charged for all
 28 ~~such~~ notices and advertising shall be the same as is set out in section
 29 1 of this chapter.

30 (b) (c) In addition to the requirements of subsection (a), a state
 31 officer, board, commission, or institution of the state of Indiana that is
 32 required by law to publish a notice of a public meeting shall also
 33 provide electronic access to the notice through the computer gateway
 34 administered by the office of technology established by IC 4-13.1-2-1.

35 SECTION 9. IC 5-3-1-8 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: Sec. 8. Whenever the utility regulatory
 37 commission shall order a hearing in any city, town, county, or township
 38 of the state, notice of such hearing shall be published in two (2)
 39 newspapers **or qualified publications** of general circulation in such
 40 city, town, county, or township, by one (1) publication in each of such
 41 newspapers **or qualified publications**, not less than ten (10) days prior
 42 to the day on which such hearing will be held.



1 SECTION 10. IC 6-8.1-8-8, AS AMENDED BY P.L.99-2011,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 8. After a tax warrant becomes a judgment under
 4 section 2 of this chapter, a tax warrant is returned uncollected to the
 5 department under section 3 of this chapter, or the taxpayer does not pay
 6 the amount demanded under section 2(b) of this chapter and the
 7 taxpayer has taken an action under section 2(n) of this chapter to
 8 foreclose the lien, the department may take any of the following actions
 9 without judicial proceedings.

10 (1) The department may levy upon the property of the taxpayer
 11 that is held by a financial institution by sending a claim to the
 12 financial institution. Upon receipt of a claim under this
 13 subdivision, the financial institution shall surrender to the
 14 department the taxpayer's property. If the taxpayer's property
 15 exceeds the amount owed to the state by the taxpayer, the
 16 financial institution shall surrender the taxpayer's property in an
 17 amount equal to the amount owed. After receiving the
 18 department's notice of levy, the financial institution is required to
 19 place a sixty (60) day hold on or restriction on the withdrawal of
 20 funds the taxpayer has on deposit or subsequently deposits, in an
 21 amount not to exceed the amount owed.

22 (2) The department may garnish the accrued earnings and wages
 23 of a taxpayer by sending a notice to the taxpayer's employer. Upon
 24 receipt of a notice under this subdivision, an employer shall
 25 garnish the accrued earnings and wages of the taxpayer in an
 26 amount equal to the full amount that is subject to garnishment
 27 under IC 24-4.5-5. The amount garnished shall be remitted to the
 28 department. The employer is entitled to a fee in an amount equal
 29 to the fee allowed under IC 24-4.5-5-105(5). However, the fee
 30 shall be borne entirely by the taxpayer.

31 (3) The department may levy upon and sell property and may:
 32 (A) take immediate possession of the property and store it in
 33 a secure place; or
 34 (B) leave the property in the custody of the taxpayer;
 35 until the day of the sale. The department shall provide notice of
 36 the sale in one (1) newspaper **or qualified publication**, as
 37 provided in IC 5-3-1-2. If the property is left in the custody of the
 38 taxpayer, the department may require the taxpayer to provide a
 39 joint and several delivery bond, in an amount and with a surety
 40 acceptable to the department. At any time before the sale, any
 41 owner or part owner of the property may redeem the property
 42 from the judgment by paying the department the amount of the



1 judgment. The proceeds of the sale shall be applied first to the
 2 collection expenses and second to the payment of the delinquent
 3 taxes and penalties. Any balance remaining shall be paid to the
 4 taxpayer.

5 SECTION 11. IC 8-15.7-4-2, AS AMENDED BY P.L.163-2011,
 6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 2. (a) This section establishes the competitive
 8 proposal procedure that the department shall use to enter into a
 9 public-private agreement with an operator under this article.

10 (b) The department may pursue a competitive proposal procedure
 11 using a request for qualifications and a request for proposals process or
 12 proceed directly to a request for proposals.

13 (c) If the department elects to use a request for qualifications phase,
 14 it must provide a public notice of the request for qualifications, for the
 15 period considered appropriate by the department, before the date set for
 16 receipt of submittals in response to the solicitation. The department
 17 shall provide the notice by posting in a designated public area and
 18 publication in a newspaper **or qualified publication** of general
 19 circulation, in the manner provided by IC 5-3-1. In addition, submittals
 20 in response to the solicitation may be solicited directly from potential
 21 offerors.

22 (d) The department shall evaluate qualification submittals based on
 23 the requirements and evaluation criteria set forth in the request for
 24 qualifications.

25 (e) If the department has undertaken a request for qualifications
 26 phase resulting in one (1) or more prequalified or shortlisted offerors,
 27 the request for proposals shall be limited to those offerors that have
 28 been prequalified or shortlisted.

29 (f) If the department has not issued a request for qualifications and
 30 intends to use only a one (1) phase request for proposals procurement,
 31 the department must provide a public notice of the request for
 32 proposals for the period considered appropriate by the department,
 33 before the date set for receipt of proposals. The department shall
 34 provide the notice by posting in a designated public area and
 35 publication in a newspaper **or qualified publication** of general
 36 circulation, in the manner provided by IC 5-3-1. In addition, proposals
 37 may be solicited directly from potential offerors.

38 (g) The department shall submit a draft of the request for proposals
 39 to the budget committee for its review before the issuance by the
 40 department of the request for proposals to potential offerors. The
 41 request for proposals must:

42 (1) indicate in general terms the scope of work, goods, and



- 1 services sought to be procured;
- 2 (2) contain or incorporate by reference the specifications and
3 contractual terms and conditions applicable to the procurement
4 and the qualifying project;
- 5 (3) specify the factors, criteria, and other information that will be
6 used in evaluating the proposals;
- 7 (4) specify any requirements or goals for use of:
- 8 (A) minority business enterprises and women's business
9 enterprises certified under IC 4-13-16.5;
- 10 (B) disadvantaged business enterprises under federal or state
11 law;
- 12 (C) businesses defined under IC 5-22-15-20.5 as Indiana
13 businesses, to the extent permitted by applicable federal and
14 state law and regulations; and
- 15 (D) businesses that qualify for a small business set-aside under
16 IC 4-13.6-2-11;
- 17 (5) if all or part of the project will consist of a tollway, require any
18 offeror to submit a proposal based upon that part of the project
19 that will consist of a tollway, as set forth in the request for
20 proposals, and permit any offeror to submit one (1) or more
21 alternative proposals based upon the assumption that a different
22 part or none of the project will consist of a tollway;
- 23 (6) contain or incorporate by reference the other applicable
24 contractual terms and conditions; and
- 25 (7) contain or incorporate by reference any other provisions,
26 materials, or documents that the department considers
27 appropriate.
- 28 If the draft of the request for proposals submitted for review provides
29 for any tolls, the budget committee shall hold a meeting and conduct a
30 review of the draft of the request for proposals not later than ninety
31 (90) days after the date the draft request for proposals is submitted for
32 review.
- 33 (h) The department shall determine the evaluation criteria that are
34 appropriate for each project and shall set those criteria forth in the
35 request for proposals. The department may use a selection process that
36 results in selection of the proposal offering the best value to the public,
37 a selection process that results in selection of the proposal offering the
38 lowest price or cost or the highest payment to, or revenue sharing with,
39 the department, or any other selection process that the department
40 determines is in the best interests of the state and the public.
- 41 (i) The department shall evaluate proposals based on the
42 requirements and evaluation criteria set forth in the request for



- 1 proposals.
- 2 (j) The department may select one (1) or more offerors for
 3 negotiations based on the evaluation criteria set forth in the request for
 4 proposals. If the department believes that negotiations with the selected
 5 offeror or offerors are not likely to result in a public-private agreement,
 6 or, in the case of a best value selection process, no longer reflect the
 7 best value to the state and the public, the department may commence
 8 negotiations with other responsive offerors, if any, and may suspend,
 9 terminate, or continue negotiations with the original offeror or offerors.
 10 If negotiations are unsuccessful, the department shall terminate the
 11 procurement, may not award the public-private agreement, and may
 12 commence a new procurement for a public-private agreement. If the
 13 department determines that negotiations with an offeror have been
 14 successfully completed, the department shall, subject to the other
 15 requirements of this article, award the public-private agreement to the
 16 offeror.
- 17 (k) Before awarding a public-private agreement to an operator, the
 18 department shall schedule a public hearing on the preliminary selection
 19 of the operator and the terms of the proposed public-private agreement.
 20 The hearing shall be conducted in the county seat of the county that
 21 would be an affected jurisdiction for purposes of the proposed project.
 22 The department shall do the following:
- 23 (1) At least ten (10) days before the public hearing, post on the
 24 department's Internet web site:
- 25 (A) the proposal submitted by the offeror that has been
 26 preliminarily selected as the operator for the project, except for
 27 those parts of the proposal that are confidential under this
 28 article; and
 29 (B) the proposed public-private agreement for the project.
- 30 (2) At least ten (10) days before the public hearing:
- 31 (A) post notice of the public hearing on the department's
 32 Internet web site; and
 33 (B) publish notice of the hearing one (1) time in accordance
 34 with IC 5-3-1 in:
- 35 (i) two (2) newspapers;
 36 (ii) **two (2) qualified publications; or**
 37 (iii) **one (1) newspaper and one (1) qualified publication;**
 38 of general circulation in the county that would be an affected
 39 jurisdiction for purposes of the proposed project.
- 40 (3) Include the following in the notices required by subdivision
 41 (2):
 42 (A) The date, time, and place of the hearing.



- 1 (B) The subject matter of the hearing.
- 2 (C) A description of the agreement to be awarded.
- 3 (D) The recommendation that has been made to award the
- 4 agreement to an identified offeror or offerors.
- 5 (E) The address and telephone number of the department.
- 6 (F) A statement indicating that, subject to section 6 of this
- 7 chapter, and except for those portions that are confidential
- 8 under IC 5-14-3, the following are available on the
- 9 department's Internet web site and are also available for public
- 10 inspection and copying at the principal office of the
- 11 department during regular business hours:
- 12 (i) The selected offer.
- 13 (ii) An explanation of the basis upon which the preliminary
- 14 selection was made.
- 15 (iii) The proposed public-private agreement for the project.
- 16 (l) At the hearing, the department shall allow the public to be heard
- 17 on the preliminary selection of the operator and the terms of the
- 18 proposed public-private agreement.
- 19 (m) When the terms and conditions of multiple awards are specified
- 20 in the request for proposals, awards may be made to more than one (1)
- 21 offeror.
- 22 SECTION 12. IC 9-22-1-23, AS AMENDED BY P.L.125-2012,
- 23 SECTION 125, IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to a
- 25 city, town, or county.
- 26 (b) Except as provided in subsection (c), if the person who owns or
- 27 holds a lien upon a vehicle does not appear within twenty (20) days
- 28 after the mailing of a notice or the notification made by electronic
- 29 service under section 19 of this chapter, the unit may sell the vehicle
- 30 or parts by either of the following methods:
- 31 (1) The unit may sell the vehicle or parts to the highest bidder at
- 32 a public sale. Notice of the sale shall be given under IC 5-3-1,
- 33 except that only one (1) ~~newspaper~~ **insertion in a newspaper or**
- 34 **qualified publication** one (1) week before the public sale is
- 35 required.
- 36 (2) The unit may sell the vehicle or part as unclaimed property
- 37 under IC 36-1-11. The twenty (20) day period for the property to
- 38 remain unclaimed is sufficient for a sale under this subdivision.
- 39 (c) This subsection applies to a consolidated city or county
- 40 containing a consolidated city. If the person who owns or holds a lien
- 41 upon a vehicle does not appear within fifteen (15) days after the
- 42 mailing of a notice or the notification made by electronic service under



1 section 19 of this chapter, the unit may sell the vehicle or parts by
2 either of the following methods:

3 (1) The unit may sell the vehicle or parts to the highest bidder at
4 a public sale. Notice of the sale shall be given under IC 5-3-1,
5 except that only one (1) ~~newspaper~~ **insertion in a newspaper or**
6 **qualified publication** one (1) week before the public sale is
7 required.

8 (2) The unit may sell the vehicle or part as unclaimed property
9 under IC 36-1-11. The fifteen (15) day period for the property to
10 remain unclaimed is sufficient for a sale under this subdivision.

11 SECTION 13. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008,
12 SECTION 102, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this chapter,
14 "water utility" means:

- 15 (1) a public utility (as defined in IC 8-1-2-1(a));
- 16 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));
- 17 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
- 18 (4) a cooperatively owned corporation;
- 19 (5) a conservancy district established under IC 14-33; or
- 20 (6) a regional water district established under IC 13-26;

21 that provides water service to the public.

22 (b) A person that seeks to contract with the commission for the
23 provision of certain minimum quantities of stream flow or the sale of
24 water on a unit pricing basis under section 2 of this chapter must
25 submit a request to the commission and the department. The
26 commission shall not make a determination as to whether to enter into
27 a contract with the person making the request until:

- 28 (1) the procedures set forth in this section have been followed;
- 29 and
- 30 (2) the commission has reviewed and considered each report
31 submitted to the commission under subsection (i).

32 (c) Not later than thirty (30) days after receiving a request under
33 subsection (b), the department shall provide, by certified mail, written
34 notice of the request to the following:

- 35 (1) Each person with whom the commission holds a contract for:
36 (A) the provision of certain minimum quantities of stream
37 flow; or
38 (B) the sale of water on a unit pricing basis;
39 as of the date of the request.
- 40 (2) The executive and legislative body of each:
41 (A) county;
- 42 (B) municipality, if any; and



- 1 (C) conservancy district established under IC 14-33, if any;
 2 in which the water sought in the request would be used.
- 3 (3) The executive and legislative body of each:
 4 (A) county;
 5 (B) municipality, if any; and
 6 (C) conservancy district established under IC 14-33, if any;
 7 in which the affected reservoir is located.
- 8 (d) Not later than seven (7) days after receiving a notice from the
 9 department under subsection (c), each person described in subsection
 10 (c)(1) shall, by certified mail, provide written notice of the request to
 11 each:
 12 (1) water utility; or
 13 (2) other person;
- 14 that contracts with the person described in subsection (c)(1) for the
 15 purchase of water for resale. Each person to whom notice is mailed
 16 under this subsection is in turn responsible for providing written notice
 17 by certified mail to each water utility or other person that purchases
 18 water from that person for resale. A water utility or another person
 19 required to provide notice under this subsection shall mail the required
 20 notice not later than seven (7) days after it receives notice of the
 21 request from the water utility or other person from whom it purchases
 22 water for resale.
- 23 (e) At the same time that:
 24 (1) a person described in subsection (c)(1); or
 25 (2) a water utility or another person described in subsection (d);
 26 mails any notice required under subsection (d), it shall also mail to the
 27 department, by certified mail, a list of the names and addresses of each
 28 water utility or other person to whom it has mailed the notice under
 29 subsection (d).
- 30 (f) In addition to the mailed notice required under subsection (c), the
 31 department shall publish notice of the request, in accordance with
 32 IC 5-3-1, in each county:
 33 (1) in which a person described in section (c)(1) is located;
 34 (2) in which the affected reservoir is located;
 35 (3) in which the water sought in the request would be used; and
 36 (4) in which a water utility or other person included in a list
 37 received by the department under subsection (e) is located.
- 38 Notwithstanding IC 5-3-1-6, in each county in which publication is
 39 required under this subsection, notice shall be published in at least one
 40 (1) general circulation newspaper **or qualified publication (as defined**
 41 **in IC 5-3-1-0.7)** in the county. The department may, in its discretion,
 42 publish public notices in a qualified publication (as defined in



1 IC 5-3-1-0.7) or additional newspapers to provide supplementary
 2 notification to the public. The cost of publishing supplementary
 3 notification is a proper expenditure of the department.

4 (g) A notice required to be mailed or published under this section
 5 must:

- 6 (1) identify the person making the request;
 7 (2) include a brief description of:
 8 (A) the nature of the pending request; and
 9 (B) the process by which the commission will determine
 10 whether to enter into a contract with the person making the
 11 request;
 12 (3) set forth the date, time, and location of the public meeting
 13 required under subsection (h); and
 14 (4) in the case of a notice that is required to be mailed under
 15 subsection (c)(1) or (d), a statement of the recipient's duty to in
 16 turn provide notice to any:
 17 (A) water utility; or
 18 (B) other person;
 19 that purchases water for resale from the recipient, in accordance
 20 with subsection (d).

21 (h) The advisory council established by IC 14-9-6-1 shall hold a
 22 public meeting in each county in which notice is published under
 23 subsection (f). A public meeting required under this subsection must
 24 include the following:

- 25 (1) A presentation by the department describing:
 26 (A) the nature of the pending request; and
 27 (B) the process by which the commission will determine
 28 whether to enter into a contract with the person making the
 29 request.
 30 (2) An opportunity for public comment on the pending request.

31 The advisory council may appoint a hearing officer to assist with a
 32 public meeting held under this subsection.

33 (i) Not later than thirty (30) days after a public meeting is held
 34 under subsection (h), the advisory council shall submit to the
 35 commission a report summarizing the public meeting.

36 SECTION 14. IC 14-28-1-28 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) The commission
 38 may by order:

- 39 (1) establish a floodway as a commission floodway; and
 40 (2) alter, change, or revoke and terminate the commission
 41 floodway.

42 (b) In the order establishing the commission floodway, the



- 1 commission shall fix the following:
- 2 (1) The floodway's length at any practical distance.
- 3 (2) The floodway's width or the landside limits so as to include
- 4 parts of the flood plains adjoining the channel that, with the
- 5 channel, are reasonably required to efficiently carry and discharge
- 6 the flood waters or flood flow of the river or stream.
- 7 (c) Notwithstanding any other provision of law, an order
- 8 establishing a commission floodway is not in force until notice has
- 9 been given as follows:
- 10 (1) In writing to the county executive in the county affected.
- 11 (2) By publication at least two (2) times, seven (7) days apart, as
- 12 follows:
- 13 (A) In two (2) daily newspapers **or qualified publications** in
- 14 the city of Indianapolis as provided in IC 5-3-1-6.
- 15 (B) In newspapers **or qualified publications** in the counties
- 16 where all or part of the commission floodway is established as
- 17 provided in IC 5-3-1-6.
- 18 (d) All of the area within a commission floodway is the floodway for
- 19 all purposes of this chapter.
- 20 SECTION 15. IC 16-18-2-301 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 301. "Publish" or
- 22 "published" or "cause to be published", for purposes of IC 16-22,
- 23 means publication of notice in:
- 24 (1) a newspaper or newspapers; **or**
- 25 (2) **a qualified publication or qualified publications;**
- 26 in accordance with IC 5-3-1, unless otherwise specified.
- 27 SECTION 16. IC 20-48-4-2, AS ADDED BY P.L.2-2006,
- 28 SECTION 171, IS AMENDED TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board may authorize the
- 30 trustee to issue township warrants or bonds to pay for the building or
- 31 the proportional cost of it. The warrants or bonds:
- 32 (1) may run for a period not exceeding fifteen (15) years;
- 33 (2) may bear interest at any rate; and
- 34 (3) shall be sold for not less than par.
- 35 The township trustee, before issuing the warrants or bonds, shall place
- 36 a notice in at least one (1) newspaper **or qualified publication**
- 37 announcing the sale of the bonds in at least one (1) issue a week for
- 38 three (3) weeks. The notice must comply with IC 5-3-1 and must set
- 39 forth the amount of bonds offered, the denomination, the period to run,
- 40 the rate of interest, and the date, place, and time of selling. The
- 41 township board shall attend the bond sale and must concur in the sale
- 42 before the bonds are sold.



1 (b) The board shall annually levy sufficient taxes each year to pay
 2 at least one-fifteenth (1/15) of the warrants or bonds, including interest,
 3 and the trustee shall apply the annual tax to the payment of the warrants
 4 or bonds each year.

5 (c) A debt of the township may not be created except by the
 6 township board in the manner specified in this section. The board may
 7 bring an action in the name of the state against the bond of a trustee to
 8 recover for the use of the township funds expended in the unauthorized
 9 payment of a debt. The board may appropriate and the township trustee
 10 shall pay from township funds a reasonable sum for attorney's fees for
 11 this purpose.

12 (d) If a taxpayer serves the board with a written demand that the
 13 board bring an action as described in subsection (c), and after thirty
 14 (30) days the board has not brought an action, a taxpayer may bring an
 15 action to recover for the use of the township funds expended in the
 16 unauthorized payment of a debt. An action brought under this
 17 subsection shall be brought in the name of the state.

18 SECTION 17. IC 23-14-62-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The persons
 20 filing the petition under section 2 of this chapter must give notice of the
 21 filing in accordance with IC 5-3-1-2 at least three (3) weeks before the
 22 filing by publishing a notice concerning the filing of the petition in a
 23 weekly newspaper **or qualified publication** published in the county in
 24 which the cemetery is located.

25 (b) The persons filing the petition under section 2 of this chapter
 26 must also file an agreement, with security to be approved by the board,
 27 that the corporation will keep the cemetery in good order and honestly
 28 and faithfully manage it.

29 SECTION 18. IC 23-14-63-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The persons
 31 described in section 1 of this chapter may file with the township trustee
 32 a petition asking for the conveyance of the cemetery owned by the
 33 township to the corporation.

34 (b) The persons filing the petition under subsection (a) must give
 35 notice of the filing at least three (3) weeks before the filing in
 36 accordance with IC 5-3-1-2 by publishing a notice concerning the
 37 petition in a newspaper **or qualified publication:**

38 (1) that is published in the township; or

39 (2) if there is no newspaper **or qualified publication** published
 40 in the township, in the newspaper **or qualified publication**
 41 published nearest to the township.

42 SECTION 19. IC 27-1-29-17, AS AMENDED BY P.L.235-2005,



1 SECTION 203, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section:

3 (1) "basic fund" refers to the political subdivision risk
4 management fund established by this chapter; and

5 (2) "catastrophic fund" refers to the political subdivision
6 catastrophic liability fund established by IC 27-1-29.1.

7 (b) Before July 1, 2005, the commission may issue its bonds or
8 notes in amounts that it considers necessary to provide funds to:

9 (1) establish or maintain the reserve account in the catastrophic
10 fund provided for in IC 27-1-29.1-8;

11 (2) provide for the payment of liabilities payable out of the basic
12 fund to the extent such liabilities exceed the money in the basic
13 fund; and

14 (3) pay, fund, or refund, regardless of when due, the principal of
15 or interest or redemption premiums on bonds or notes issued
16 under subdivision (1) or (2).

17 Bonds or notes issued under subdivision (2) must mature within three
18 (3) years after their date of issuance.

19 (c) The bonds or notes of the commission may be issued and sold by
20 the commission to the Indiana bond bank under IC 5-1.5.

21 (d) Every issue of bonds or notes is an obligation of the commission.
22 An issue of bonds or notes under subsection (b)(1) is payable solely
23 from assessments imposed by the commission under IC 27-1-29.1 on
24 political subdivisions that are members of the catastrophic fund, and
25 the commission may secure such bonds or notes by a pledge of
26 assessments imposed under IC 27-1-29.1. An issue of bonds or notes
27 under subsection (b)(2) is payable solely from assessments imposed by
28 the commission under section 12 of this chapter on political
29 subdivisions that are members of the basic fund, and the commission
30 may secure such bonds or notes by a pledge of assessments imposed
31 under section 12 of this chapter.

32 (e) A bond or note of the commission:

33 (1) is not a debt, liability, loan of credit, or pledge of the faith and
34 credit of the state; and

35 (2) must contain on its face a statement that the commission is
36 obligated to pay principal and interest, and the redemption
37 premium, if any, and that the faith, credit, and taxing power of the
38 state are not pledged to the payment of the bond or note.

39 (f) The state pledges to and agrees with the holders of the bonds or
40 notes issued under this chapter that the state will not:

41 (1) limit or restrict the rights vested in the commission to fulfill
42 the terms of any agreement made with the holders of its bonds or



1 notes; or
 2 (2) in any way impair the rights or remedies of the holders of the
 3 bonds or notes;
 4 until the bonds or notes, together with the interest on the bonds or
 5 notes, and interest on unpaid installments of interest, and all costs and
 6 expenses in connection with an action or proceeding by or on behalf of
 7 the holders, are fully met, paid, and discharged.
 8 (g) The bonds or notes of the commission are negotiable instruments
 9 for all purposes of IC 26-1, subject only to the provisions of the bonds
 10 and notes for registration.
 11 (h) Bonds or notes of the commission must be authorized by
 12 resolution of the commission, may be issued in one (1) or more series,
 13 and must:
 14 (1) bear the date;
 15 (2) mature at the time or times;
 16 (3) be in the denomination;
 17 (4) be in the form;
 18 (5) carry the conversion or registration privileges;
 19 (6) have the rank or priority;
 20 (7) be executed in the manner;
 21 (8) be payable from the sources in the medium of payment at the
 22 place inside or outside the state; and
 23 (9) be subject to the terms of redemption;
 24 as the resolution of the commission or the trust agreement securing the
 25 bonds or notes provides.
 26 (i) Bonds or notes may be issued under this chapter without
 27 obtaining the consent of any agency of the state and without any other
 28 proceeding or condition other than the proceedings or conditions
 29 specified in this chapter.
 30 (j) The rate or rates of interest on the bonds or notes may be fixed
 31 or variable. Variable rates shall be determined in the manner and in
 32 accordance with the procedures set forth in the resolution authorizing
 33 the issuance of the bonds or notes. Bonds or notes bearing a variable
 34 rate of interest may be converted to bonds or notes bearing a fixed rate
 35 or rates of interest, and bonds or notes bearing a fixed rate or rates of
 36 interest may be converted to bonds or notes bearing a variable rate of
 37 interest, to the extent and in the manner set forth in the resolution
 38 pursuant to which the bonds or notes are issued. The interest on bonds
 39 or notes may be payable semiannually or annually or at any other
 40 interval or intervals as may be provided in the resolution, or the interest
 41 may be compounded and paid at maturity or at any other times as may
 42 be specified in the resolution.



1 (k) The bonds or notes may be made subject, at the option of the
2 holders, to mandatory redemption by the commission at the times and
3 under the circumstances set forth in the authorizing resolution.

4 (l) Bonds or notes of the commission may be sold at public or
5 private sale at such price, either above or below the principal amount,
6 as the commission fixes. If bonds or notes of the commission are to be
7 sold at public sale, the commission shall comply with IC 5-1-11 and
8 shall publish notice of the sale in accordance with IC 5-3-1-2 in two (2)
9 newspapers **or qualified publications** published and of general
10 circulation in Indianapolis.

11 (m) The commission may periodically issue its notes under this
12 chapter and pay and retire the principal of the notes, pay the interest
13 due on the notes, or fund or refund the notes from proceeds of bonds or
14 of other notes or from other funds or money of the commission
15 available for that purpose in accordance with a contract between the
16 commission and the holders of the notes.

17 (n) The commission may secure any bonds or notes issued under
18 this chapter by a trust agreement by and between the commission and
19 a corporate trustee, which may be any trust company or bank having
20 the powers of a trust company within or outside Indiana.

21 (o) The trust agreement or the resolution providing for the issuance
22 of the bonds or notes may contain provisions for protecting and
23 enforcing the rights and remedies of the holders of any such bonds or
24 notes as are reasonable and proper and not in violation of law.

25 (p) The trust agreement or resolution may set forth the rights and
26 remedies of the holders of any bonds or notes and of the trustee and
27 may restrict the individual right of action by the holders.

28 (q) In addition to the provisions of subsections (n) through (p), any
29 trust agreement or resolution may contain other provisions the
30 commission considers reasonable and proper for the security of the
31 holders of any bonds or notes.

32 (r) All expenses incurred in carrying out the provisions of the trust
33 agreement or resolution may be paid from assessments, revenues, or
34 assets pledged or assigned to the payment of the principal of and the
35 interest on bonds and notes or from any other funds available to the
36 commission.

37 (s) Notwithstanding the restrictions of any other law, all financial
38 institutions, investment companies, insurance companies, insurance
39 associations, executors, administrators, guardians, trustees, and other
40 fiduciaries may legally invest sinking funds, money, or other funds
41 belonging to them or within their control in bonds or notes issued under
42 this chapter.



1 (t) All bonds or notes issued under this chapter are issued by a body
 2 corporate and politic of this state, but not a state agency, and for an
 3 essential public and government purpose and the bonds and notes, the
 4 interest thereon, the proceeds received by a holder from the sale of the
 5 bonds or notes to the extent of the holder's cost of acquisition, proceeds
 6 received upon redemption before maturity, and proceeds received at
 7 maturity, and the receipt of the interest and proceeds are exempt from
 8 taxation in Indiana for all purposes except the financial institutions tax
 9 imposed under IC 6-5.5 or a state inheritance tax imposed under
 10 IC 6-4.1.

11 SECTION 20. IC 36-7-23-52 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. (a) A resolution
 13 establishing just and reasonable fees, rates, and charges for the use of
 14 infrastructures under this chapter may be adopted by the board after a
 15 public hearing. Notice of the hearing must be published one (1) time,
 16 at least ten (10) days before the hearing, in:

17 (1) one (1) newspaper; **or**

18 (2) **one (1) qualified publication;**

19 published in each county in which a participating unit is located in
 20 accordance with IC 5-3-1. The notice must provide a summary of the
 21 resolution.

22 (b) Fees, rates, and charges adopted by the authority for a particular
 23 infrastructure shall comply with statutes authorizing units to adopt fees,
 24 rates, and charges for that particular type of infrastructure or, if there
 25 is no statute authorizing units to adopt fees, rates, and charges for that
 26 particular type of infrastructure, the fees, rates, and charges must
 27 comply with IC 36-1-3.

28 SECTION 21. IC 36-12-5-3, AS AMENDED BY P.L.13-2013,
 29 SECTION 156, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The library board of a public
 31 library may file with the township trustee and legislative body a
 32 proposal of expansion and an intent to file a petition for acceptance of
 33 the proposal of expansion. Not later than ten (10) days after the filing,
 34 the township trustee shall publish notice of the proposal of expansion
 35 in the manner provided in IC 5-3-1 in a newspaper **or qualified**
 36 **publication** of general circulation in the township. Beginning the first
 37 day after the notice is published, and during the period that ends sixty
 38 (60) days after the date of the publication of the notice, an individual
 39 who is a registered voter of the affected township or part of the affected
 40 township subject to expansion may sign one (1) or both of the
 41 following:

42 (1) A petition for acceptance of the proposal of expansion that



- 1 states that the registered voter is in favor of the establishment of
 2 an expanded library district.
- 3 (2) A remonstrance in opposition to the proposal of expansion
 4 that states that the registered voter is opposed to the establishment
 5 of an expanded library district.
- 6 (b) A registered voter of the township or part of the township may
 7 file a petition or a remonstrance, if any, with the clerk of the circuit
 8 court in the county where the township is located. A petition for
 9 acceptance of the proposal of expansion must be signed by at least
 10 twenty percent (20%) of the registered voters of the township, or part
 11 of the township, as determined by the most recent general election.
- 12 (c) The following apply to a petition that is filed under this section
 13 or a remonstrance that is filed under subsection (b):
- 14 (1) The petition or remonstrance must show the following:
- 15 (A) The date on which each individual signed the petition or
 16 remonstrance.
- 17 (B) The residence of each individual on the date the individual
 18 signed the petition or remonstrance.
- 19 (2) The petition or remonstrance must include an affidavit of the
 20 individual circulating the petition or remonstrance, stating that
 21 each signature on the petition or remonstrance:
- 22 (A) was affixed in the individual's presence; and
 23 (B) is the true signature of the individual who signed the
 24 petition or remonstrance.
- 25 (3) Several copies of the petition or remonstrance may be
 26 executed. The total of the copies constitute a petition or
 27 remonstrance. A copy must include an affidavit described in
 28 subdivision (2). A signer may file the petition or remonstrance, or
 29 a copy of the petition or remonstrance. All copies constituting a
 30 petition or remonstrance must be filed on the same day.
- 31 (4) The clerk of the circuit court in the county in which the
 32 township is located shall do the following:
- 33 (A) If a name appears more than one (1) time on a petition or
 34 on a remonstrance, the clerk must strike any duplicates of the
 35 name until the name appears only one (1) time on a petition or
 36 a remonstrance, or both, if the individual signed both a petition
 37 and a remonstrance.
- 38 (B) Strike the name from either the petition or the
 39 remonstrance of an individual who:
- 40 (i) signed both the petition and the remonstrance; and
 41 (ii) personally, in the clerk's office, makes a voluntary
 42 written and signed request for the clerk to strike the



- 1 individual's name from the petition or the remonstrance.
 2 (C) Certify the number of signatures on the petition and on any
 3 remonstrance that:
 4 (i) are not duplicates; and
 5 (ii) represent individuals who are registered voters in the
 6 township or the part of the township on the day the
 7 individuals signed the petition or remonstrance.
 8 The clerk of the circuit court may only strike an individual's name
 9 from a petition or a remonstrance as set forth in clauses (A) and
 10 (B).
 11 (d) The clerk of the circuit court shall complete the certification
 12 required under subsection (c) not more than fifteen (15) days after the
 13 petition or remonstrance is filed. The clerk shall:
 14 (1) establish a record of certification in the clerk's office; and
 15 (2) file the original petition, the original remonstrance, if any, and
 16 a copy of the clerk's certification with the legislative body.
 17 SECTION 22. IC 36-12-5-6, AS AMENDED BY P.L.13-2013,
 18 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The library board of a public
 20 library may file with the legislative body of a county a proposal of
 21 expansion and an intent to file a petition for acceptance of the proposal
 22 of expansion. Not later than ten (10) days after the intent is filed, the
 23 county auditor shall publish notice in the manner provided in IC 5-3-1
 24 of the proposal of expansion in a newspaper **or qualified publication**
 25 of general circulation in the county. Beginning the first day after the
 26 notice is published, and during the period that ends sixty (60) days after
 27 the date of the publication of the notice, an individual who is a
 28 registered voter of an affected township or an affected part of a
 29 township subject to the expansion may sign one (1) or both of the
 30 following:
 31 (1) A petition for acceptance of the proposal of expansion.
 32 (2) A remonstrance petition in opposition to the proposal of
 33 expansion.
 34 (b) Registered voters shall file a petition or a remonstrance, if any,
 35 with the clerk of the circuit court in the county where the townships are
 36 located. A petition for acceptance of the proposal of expansion must be
 37 signed by at least twenty percent (20%) of the registered voters of the
 38 townships or parts of townships, as determined by the most recent
 39 general election.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 5-3-1-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;
- (2) is of general circulation to the public;
- (3) has been published for at least three (3) consecutive years in the same city or town;
- (4) has continuity as to title and general nature of content from issue to issue;
- (5) contains news of general or community interest, community notices, or editorial commentary;
- (6) contains advertisements from unrelated advertisers in each issue;
- (7) has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;
- (8) has a known office location in the county in which it is published; and
- (9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

- (1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.
- (2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.
- (3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.
- (4) The publication is primarily devoted to matters of specialized



interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.

(5) The publication is a magazine, racing form, or tip sheet.

(c) For purposes of determining whether a political subdivision may publish notice in a qualified publication under this chapter, the publication must be delivered by the United States Postal Service to a majority of the households located in the political subdivision."

Page 21, delete lines 10 through 42.

Page 22, delete lines 1 through 13.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1033 as introduced.)

MAHAN, Chair

Committee Vote: yeas 11, nays 1.

